specification at page 34, line 26. This amendment has not limited the scope of the claimed invention, because a skilled artisan would understand the terms to be equivalent.

The Examiner has rejected claim 5 under 35 U.S.C. §112, ¶2 on the asserted basis that the term "roughly" is relative, and thus renders the claim indefinite. While relative terms are not per se indefinite, Applicants have amended claim 5 to delete the term "roughly" in order to advance the prosecution of this case. This amendment has not limited the scope of the claimed invention as the term "roughly" was originally included to simply reflect protection that would be otherwise affordable under the doctrine of equivalents. By removing this term, literally, from the claim, Applicants do not intend to forfeit legitimate protection afforded under the doctrine of equivalents.

The Examiner has rejected claim 5 under 35 U.S.C. §112, ¶2 on the asserted basis that the term "discrete pocket" is indefinite. Applicants respectfully submit that the rejection is improper. The specification provides the skilled artisan with more than ample direction as to the meaning of this term. Specifically, the discrete pocket at issue is described in the specification at page 34, lines 22-28, and is further illustrated in the X-ray structure provided in Figure 1. Additionally, the specification illustrates how such X-ray data can be obtained (see page 33, line 22 to page 16). Section 112 requires no more. Applicants respectfully request that the Examiner withdraw the rejection.

Applicants have amended claim 5 to clarify that the amino acid residues defining the discrete pocket at issue are those "designated" as Phe l6, Tyr l9, Met 20, Val 23, Val 25, Ala 33, Phe 57, Thr 74, Ala 75, Asp 76, Arg 78. Support for this amendment can be found in the specification at page 3 line 10, and also in original claim 3—which indicate that the residue positions provided in this application are Applicants' own designations. Thus, when compared against the human aP2 sequence listing previously provided by Applicants, the Examiner will note that the positions of these amino acid residues are shifted by one position. This is due to the fact that the laboratory procedures used by Applicants to characterize the protein resulted in the cleavage of the first residue (Met) of the full sequence. One skilled in the art would understand this.

given the shift: does the still retain binding specificity + activity?

The Examiner has rejected claim 3 and 4 under 35 U.S.C. §112, ¶2 on the asserted basis that the term "hydrogen bond donator or acceptor" would not be clearly understood by the skilled artisan. In support of this assertion the Examiner provides various meanings for the terms "proton donor/acceptor". Applicants respectfully submit that the rejection is improper. One skilled in the art would recognize that the term "hydrogen bond donator or acceptor" is distinct from the term "proton

donor or acceptor." The latter term denotes a Bronsted-Lowry acid base reaction in which a proton (an ionized hydrogen atom) is transfered covalently from one molecule to another (as in the reaction of HCl with NaOH to give H2O and NaCl). Hydrogen binding is somewhat different. As described in the standard organic chemistry textbook "Advanced Organic Chemistry" by March (Applicants intend to provide the Examiner with a copy of this reference shortly in a supplemental filing), a hydrogen bond is "a bond between a functional group A-H and an atom or group of atoms B in the same or a different molecule. With exceptions to be noted later, hydrogen bonds are formed only when A is oxygen, nitrogen, or fluorine and when B is oxygen, nitrogen, or fluorine." These attractive forces have energies on the order of 2-10 kcal/mol. In the book "Peptide Chemistry" by Bodansky (Applicants intend to provide the Examiner with a copy of this reference shortly in a supplemental filing), it is stated that "In the hydrogen bond, the hydrogen atom belongs, to some extent, to both electronegative [i.e. O, N, F, S] atoms." Many organic heteroatoms have the capacity to either donate and/or accept (i.e. participate) covalently bound hydrogens with other heteroatoms. Examples would include: C=O ----H-N, CO-O----H-N, and CO-O-H----N-, where ---- represents the hydrogen bond and - represents a covalent bond. These are very common interactions found between ligands (e.g. inhibitors) and proteins (e.g. receptors, enzymes, etc.). Applicants respectfully submit that one skilled in the art would readily understand the term "hydrogen bond donator or acceptor".

The Rejection Under 35 U.S.C. §103

The Examiner has rejected claims 1-11 and 14-15 under 35 U.S.C. §103 as being unpatentable over Hotamisligil et al. in view of Failli et al. (US 5,218,124). Applicants respectfully submit that the rejection is improper.

The Examiner supports this rejection on the asserted basis that Failli teaches that certain oxazole derivative compounds, including the elected compound, are known aP2 inhibitors. This is factually incorrect. Failli teaches that the compounds at issue are inhibitors of phospholipase A_2 (see Failli at column 1, lines 13-14). The enzyme Phospholipase A_2 (also referred to as PLA_2—see enclosed definition from Acronyms, Initialisms & Abbreviations Dictionary), is different from Adipocyte Fatty Acid Binding Protein (aP2) (which is not an enzyme). While the acronyms may be similar, the targets at issue are very different. Applicants respectfully request that the Examiner withdraw this rejection, which is founded on a faulty premise.

Conclusion

Applicants request that the Examiner withdraw the rejections of record, reconsider the case and allow all pending claims in allowance in view of the above amendments and remarks.

Respectfully submitted,

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Date: 6/21/01

APPENDIX

COPY OF MARKED-UP AMENDED CLAIMS

5. The method as defined in Claim 3 where said aP2 inhibitor contains an additional substituent which binds ~~to (in)~~within and/or interacts with a discrete pocket within the aP2 protein defined ~~roughly~~ by the amino acid residues designated Phe I6, Tyr I9, Met 20, Val 23, Val 25, Ala 33, Phe 57, Thr 74, Ala 75, Asp 76, Arg 78 in human aP2.

ISSN 0270-4404

Acronyms, Initialisms & Abbreviations Dictionary

A Guide to Acronyms, Abbreviations, Contractions, Alphabetic Symbols, and Similar Condensed Appellations

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28th Edition

Volume 1

Part 3

P-Z

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Library of Congress Catalog Card Number 84-643188
ISBN 0-7876-3381-X (Volume 1 Complete)
ISBN 0-7876-3382-8 (Part 1: A-F only)
ISBN 0-7876-3383-6 (Part 2: G-O only)
ISBN 0-7876-3384-4 (Part 3: P-Z only)
ISSN 0270-4404

Printed in the United States of America

PL PLC Capital LLC, Inc. [*NYSE symbol*]
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PL Property Line [*Real estate*] (MSA)
PL Proportional Limit
P/L Proprietary Limited (ADA)
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PL Psychological Laboratory (MCD)
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PL Public Liability [*Business term*]
PL Public Library
PL Pulmonary Venous Pressure [*Medicine*] (MAE)
PL Pulpolingual [*Dentistry*]
PL Pulsatility Index [*Medicine*]
P/L Pulse Length (NVT)
PL Purchased Labor (NASA)
PL Pyridoxal [*Also, Pxl*] [*Biochemistry*]
PL Radio Positioning Land Station [*ITU designation*] (CET)
PL/I Transpulmonary Pressure [*Cardiology*] (DAVI)
PLA Programming Language, Version One [*Computer science*] (MCD)
PLA Pakistan Liberation Army (PD)
PLA Palau [*Palau Islands*] [*Seismograph station code, US Geological Survey Closed*] (SEIS)
PLA Palestine Liber[redacted] Army
PLA Parachute Loca[redacted] Aid (MCD)
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PLA Placita
PLA Placitum [*or Placita*] [*Agreeable, Agreed Upon*] [*Latin*] [*Legal term*] (DLA)
PLA Plain Language Address [*Telecommunications*] (TEL)
PLA Planned Labor Application [*Military*] (AFIT)
PLA Planned Landing Area [*NASA*]
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PLA Private Libraries Association [*British*]
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PLA Programmable Line Adapter
PLA Programmable Logic Array [*Computer science*]
PLA Programmed Logic Array (NITA)
PLA Project Labor Agreement (AAGC)
PLA Proton Linear Accelerator
PLA Psycholinguistic Age [*Education*]
PLA Psychological Learning Aptitude (MCD)
PLA Public Library Association (EA)
PLa Pulpolabial [*Dentistry*]
PLA Pulpolinguoaxial [*Dentistry*]
PLA Pulsed LASER Annealing [*Semiconductor technology*]
PLA Pulverized Limestone Association (EA)
PLA University of Pittsburgh, Law School, Pittsburgh, PA [*OCLC symbol*] (OCLC)
PLA_2 Phospholipase A_2 [*An enzyme*]
PLAA Playboy Enterprises'A'(vtg) [*NYSE symbol*] (TTSB)
PLAA Positive Low Angle of Attack
PLA AEPS PLA [*Public Library Association*] Alternative Education Programs Section
PLAAF People's Liberation Army Air Force
PLA AFLS PLA [*Public Library Association*] Armed Forces Library Section
PLAAR Packaged Liquid Air-Augmented Rocket (MCD)
PLAAS Plasma Atomic Absorption System [*Spectrometry*]
PLA AV PLA [*Public Library Association*] Audiovisual
PLA AVC PLA [*Public Library Association*] Audiovisual Committee
PLAB Party-Line Adapter Board [*Telecommunications*] (MHDI)
PLAB Photronics, Inc. [*NASDAQ symbol*] (NQ)
PLAB Professional and Linguistic Assessment Board (AIE)
PLAC Placebo [*Medicine*]
Plac Placentinus [*Deceased, 1192*] [*Authority cited in pre-1607 legal work*] (DSA)
PLAC Post-Launch Analysis of Compliance [*NASA*]
Plac Abbrev Placitorum Abbreviatio [*Latin A publication*] (DLA)
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PLACE Place [*Commonly used*] (OPSA)
PLACE Positioner Layout and Cell Evaluator [*Robotics*]
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